

U.S. House of Representatives
Committee on Agriculture

Amendment submitted in advance (numbered in order received)

Amendment #: 004

Submitted by Rep. Lucas

This amendment amends section 8 of the Commodity Exchange Act to clarify when the Commodity Futures Trading Commission (Commission) can disclose proprietary information submitted to the Commission on forms CPO-PQR and Form CTA-PR. The Commission may disclose such information to Congress, but may only disclose this information to a foreign government, Federal department, agency or State, upon an agreement of confidentiality. The information may also be disclosed pursuant to a court order, including a bankruptcy proceeding under title 11 of the United States Code. For purposes of this section, proprietary information includes trading strategies, analytical or research methodologies, trading data, computer hardware or software containing intellectual property, and any additional information the Commission determines to be proprietary.

AMENDMENT TO H.R. _____

OFFERED BY MR. LUCAS OF OKLAHOMA, *Mr. Neugebauer, + Mr. Rouzer*

Immediately after section 211, insert the following
(and redesignate succeeding sections accordingly):

1 **SEC. 212. DISCLOSURE OF REQUIRED DATA OF OTHER REG-**
2 **ISTERED ENTITIES.**

3 Section 8 of the Commodity Exchange Act (7 U.S.C.
4 12) is amended by adding at the end the following:

5 “(j) DISCLOSURE OF REQUIRED DATA OF OTHER
6 REGISTERED ENTITIES.—

7 “(1) Except as provided in this subsection, the
8 Commission may not be compelled to disclose any
9 proprietary information provided to the Commission,
10 except that nothing in this subsection—

11 “(A) authorizes the Commission to with-
12 hold information from Congress; or

13 “(B) prevents the Commission from—

14 “(i) complying with a request for in-
15 formation from any other Federal depart-
16 ment or agency, any State or political sub-
17 division thereof, or any foreign government
18 or any department, agency, or political
19 subdivision thereof requesting the report or

1 information for purposes within the scope
2 of its jurisdiction, upon an agreement of
3 confidentiality to protect the information
4 in a manner consistent with this paragraph
5 and subsection (e); or

6 “(ii) making a disclosure made pursu-
7 ant to a court order in connection with an
8 administrative or judicial proceeding
9 brought under this Act, in any receivership
10 proceeding involving a receiver appointed
11 in a judicial proceeding brought under this
12 Act, or in any bankruptcy proceeding in
13 which the Commission has intervened or in
14 which the Commission has the right to ap-
15 pear and be heard under title 11 of the
16 United States Code.

17 “(2) Any proprietary information of a com-
18 modity trading advisor or commodity pool operator
19 ascertained by the Commission in connection with
20 Form CPO-PQR, Form CTA-PR, and any successor
21 forms thereto, shall be subject to the same limita-
22 tions on public disclosure, as any facts ascertained
23 during an investigation, as provided by subsection
24 (a); provided, however, that the Commission shall
25 not be precluded from publishing aggregate informa-

1 tion compiled from such forms, to the extent such
2 aggregate information does not identify any indi-
3 vidual person or firm, or such person's proprietary
4 information.

5 “(3) For purposes of section 552 of title 5,
6 United States Code, this subsection, and the infor-
7 mation contemplated herein, shall be considered a
8 statute described in subsection (b)(3)(B) of such
9 section 552.

10 “(4) For purposes of the definition of propri-
11 etary information in paragraph (5), the records and
12 reports of any client account or commodity pool to
13 which a commodity trading advisor or commodity
14 pool operator registered under this title provides
15 services that are filed with the Commission on Form
16 CPO-PQR, CTA-PR, and any successor forms there-
17 to, shall be deemed to be the records and reports of
18 the commodity trading advisor or commodity pool
19 operator, respectively.

20 “(5) For purposes of this section, proprietary
21 information of a commodity trading advisor or com-
22 modity pool operator includes sensitive, non-public
23 information regarding—

24 “(A) the commodity trading advisor, com-
25 modity pool operator or the trading strategies

1 of the commodity trading advisor or commodity
2 pool operator;

3 “(B) analytical or research methodologies
4 of a commodity trading advisor or commodity
5 pool operator;

6 “(C) trading data of a commodity trading
7 advisor or commodity pool operator; and

8 “(D) computer hardware or software con-
9 taining intellectual property of a commodity
10 trading advisor or commodity pool operator;”.

